

EPC COMMISSION MINUTES & AGENDA

MONTH April

YEAR 1993

RECORD COPY EPC Meeting
File Name ADM-1-1-1 April 1993
Carders Initials JK

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

APRIL 19, 1993

STATE FOREST NURSERY
AMES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, April 19, 1993 at the State Forest Nursery, Ames, Iowa.

MEMBERS PRESENT

William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Margaret Prah
Gary Priebe
Nancylee Siebenmann
Clark Yeager

MEMBERS ABSENT

Verlon Britt

Director Wilson noted that Verlon Britt is unable to attend the meeting due to a business conflict.

ADOPTION OF AGENDA

Motion was made by Margaret Prah to approve the agenda as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by William Ehm to approve the meeting minutes of March 15, 1993, as presented. Seconded by Margaret Prah. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Mr. Wilson introduced Bill Farris, Division Administrator of the Forests and Forestry Division, and Jerry Grebasch, State Forest Nursery Manager. He added that Mr. Grebasch will provide a tour of the nursery later in the day.

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Mr. Farris discussed the Commission tour plans for tomorrow.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The division-level expenditure financial report, as of March 31, 1993 will be attached to this item or otherwise be made available to the commission when it is available from the State's IFAS system.

Staff will be available to answer possible related questions.

IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 03/31/93					
	TOTAL EXPENDITURES 03/01/93 - 03/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	112,856.68	759,355.11	765,759.00	6,404.00-	1,021,017.00
202 IN-STATE TRAVEL	2,480.07	20,555.55	39,862.00	19,307.00-	53,150.00
203 STATE VEHICLE OPERATION	270.95	4,105.59	5,948.00	1,842.00-	7,931.00
204 STATE VEHICLE DEPRECIATIO	665.00	5,895.00	9,337.00	3,442.00-	12,450.00
205 OUT-STATE TRAVEL	1,145.75	6,480.38	6,375.00	105.00	8,500.00
301 OFFICE SUPPLIES	1,053.27	62,506.97	63,037.00	530.00-	84,050.00
302 FACILITY MAINTENANCE SUPP	0.00	157.21	1,500.00	1,342.00-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	439.58	2,498.20	5,137.00	2,640.00-	8,850.00
308 OTHER SUPPLIES	3,232.26	22,674.77	48,772.00	26,097.00-	66,030.00
309 PRINTING & BINDING	44,574.35	166,297.94	197,882.00	31,584.00-	263,843.00
312 UNIFORMS & RELATED ITEMS	0.00	235.86	0.00	235.86-	0.00
401 COMMUNICATIONS	1,844.86	12,211.81	21,900.00	9,688.00-	29,200.00
402 RENTALS	0.00	205.00	375.00	170.00-	500.00
403 UTILITIES	8.80	101.16	562.00	461.00-	750.00
405 PROF & SCIENTIFIC SERVICE	600.00	9,011.48	36,150.00	27,139.00-	48,200.00
406 OUTSIDE SERVICES	1,191.33	12,429.79	17,250.00	4,820.00-	23,000.00
410 DATA PROCESSING	2,400.11	6,457.20	10,087.00	3,630.00-	13,450.00
414 REIMBURSEMENTS TO OTHER A	0.00	757.14	168.00	589.00-	225.00
501 EQUIPMENT	288.64	10,321.01	10,799.00	477.00-	14,400.00
602 OTHER EXPENSES & OBLIGATI	312.00	312.00	0.00	312.00-	0.00
621 BACK PAY INTEREST	0.00	359.37	0.00	359.37-	0.00
DIVISION TOTAL	173,353.75	1,102,928.56	1,240,900.00	137,975.00-	1,654,546.00

IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 03/31/93					
	TOTAL EXPENDITURES 03/01/93 - 03/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	422,793.83	2,954,428.72	3,050,986.00	96,557.00-	4,067,986.00
202 IN-STATE TRAVEL	2,418.79	21,854.07	37,650.00	15,796.00-	50,200.00
203 STATE VEHICLE OPERATION	2,580.79	35,363.21	45,375.00	10,011.00-	60,900.00
204 STATE VEHICLE DEPRECIATIO	6,005.00	53,540.00	55,650.00	2,110.00-	74,200.00
205 OUT-STATE TRAVEL	0.00	1,451.07	750.00	701.00	1,000.00
301 OFFICE SUPPLIES	25,826.59	222,333.92	241,575.00	19,242.00-	322,100.00
302 FACILITY MAINTENANCE SUPP	3,884.00	12,060.55	23,250.00	11,190.00-	31,000.00
303 EQUIPMENT MAINTENANCE SUP	16,444.54	48,071.24	36,375.00	11,696.00	48,500.00
308 OTHER SUPPLIES	1,925.90	12,107.92	10,275.00	1,833.00	13,700.00
309 PRINTING & BINDING	141.75	12,409.61	10,125.00	2,284.00-	13,500.00
312 UNIFORMS & RELATED ITEMS	7,762.97	246.24	1,500.00	1,254.00-	2,000.00
401 COMMUNICATIONS	128.25	47,403.32	69,825.00	22,422.00-	93,100.00
402 RENTALS	1,661.94	128.25	375.00	247.00-	800.00
406 OUTSIDE SERVICES	27,343.74-	5,803.18	29,550.00	22,746.00-	39,400.00
410 DATA PROCESSING	0.00	97,940.80	80,625.00	17,315.00	107,900.00
412 AUDITOR OF STATE REIMBURS	475.00	43,411.27	112,500.00	69,089.00-	180,000.00
414 REIMBURSEMENTS TO OTHER A	30,910.52	79,237.51	31,125.00	48,113.00	41,500.00
501 EQUIPMENT	410,629.00	101,873.06	160,125.00	58,252.00-	213,500.00
602 OTHER EXPENSES & OBLIGATI	0.00	410,682.24	562,505.00	151,823.00-	750,007.00
621 BACK PAY INTEREST	0.00	2,177.93	0.00	2,177.93-	0.00
DIVISION TOTAL	908,666.19	4,163,323.91	4,560,141.00	396,817.00-	6,080,193.00

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	TOTAL EXPENDITURES 03/01/93 - 03/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	510,606.40	4,147,086.20	4,272,871.00	125,785.00-	5,697,167.00
202 IN-STATE TRAVEL	4,479.96	28,632.06	51,935.00	26,303.00-	69,250.00
203 STATE VEHICLE OPERATION	8,584.78	146,355.08	150,202.00	3,847.00-	200,270.00
204 STATE VEHICLE DEPRECIATIO	23,870.00	219,285.00	215,550.00	3,735.00-	287,400.00
301 OFFICE SUPPLIES	565.02	2,790.12	5,887.00	3,096.00-	7,880.00
302 FACILITY MAINTENANCE SUPP	8,004.41	28,003.24	34,275.00	5,272.00-	45,700.00
303 EQUIPMENT MAINTENANCE SUP	22,264.98	320,595.87	345,225.00	24,629.00-	460,300.00
307 AG. CONSERVATION & HORT S	15,719.88	183,086.68	218,061.00	34,972.00-	290,750.00
308 OTHER SUPPLIES	178.28	4,016.99	16,125.00	12,109.00-	21,500.00
309 PRINTING & BINDING	2,130.69	33,545.11	32,020.00	1,526.00-	42,694.00
312 UNIFORMS & RELATED ITEMS	6,992.15	18,192.90	25,875.00	7,681.00-	34,500.00
401 COMMUNICATIONS	457.99	1,689.27	38,700.00	37,010.00-	51,602.00
402 RENTALS	10,435.74	59,525.88	78,751.00	19,226.00-	105,002.00
403 UTILITIES	414.00	21,743.36	22,387.00	644.00-	29,850.00
405 PROF. & SCIENTIFIC SERVICE	40,268.20	277,361.10	285,713.00	8,352.00-	380,951.00
406 OUTSIDE SERVICES	1,686.42	10,485.72	30,375.00	19,889.00-	40,500.00
408 ADVERTISING & PUBLICITY	11,298.00	125,320.58	139,014.00	13,694.00-	185,352.00
410 DATA PROCESSING	312.38	1,197.54	1,537.00	340.00-	2,050.00
414 REIMBURSEMENTS TO OTHER A	1,090.59	2,650.73	7,500.00	4,849.00-	10,000.00
501 EQUIPMENT	689.91	2,069.68	1,311.00	759.00-	1,750.00
602 OTHER EXPENSES & OBLIGATI	14,903.56	129,342.63	95,000.00	33,344.00-	128,000.00
621 BACK PAY INTEREST	1,074.00	3,530.65	1,500.00	2,031.00-	2,000.00
701 LICENSES	0.00	365.53	0.00	364.00-	0.00
	0.00	125.00	298.00	173.00-	399.00
DIVISION TOTAL	686,038.34	5,764,999.92	6,071,112.00	306,112.00-	8,094,836.00

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	TOTAL EXPENDITURES 03/01/93 - 03/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	202,038.35	1,332,589.30	1,450,857.00	118,268.00-	1,934,480.00
202 IN-STATE TRAVEL	2,735.40	26,232.11	30,000.00	3,770.00-	40,000.00
203 STATE VEHICLE OPERATION	4,644.21	58,933.99	64,125.00	5,190.00-	85,500.00
204 STATE VEHICLE DEPRECIATIO	11,070.00	99,630.00	108,090.00	8,460.00-	144,120.00
301 OFFICE SUPPLIES	0.00	1,471.93	3,750.00	2,278.00-	5,000.00
302 FACILITY MAINTENANCE SUPP	2,373.40	13,936.25	16,725.00	2,789.00-	22,300.00
303 EQUIPMENT MAINTENANCE SUP	4,703.95	29,249.08	29,250.00	2.00-	39,000.00
304 PROF. & SCIENTIFIC SUPPL	4,534.65	31,345.38	43,875.00	12,529.00-	58,500.00
307 AG. CONSERVATION & HORT S	0.00	486.30	0.00	486.00-	0.00
308 OTHER SUPPLIES	7,577.44	95,924.35	66,542.00	29,382.00-	88,723.00
309 PRINTING & BINDING	721.74	7,518.06	36,375.00	28,857.00-	48,500.00
312 UNIFORMS & RELATED ITEMS	1,139.35	5,237.70	11,700.00	6,462.00-	15,600.00
401 COMMUNICATIONS	1,974.52	3,074.49	11,400.00	8,325.00-	15,200.00
402 RENTALS	4,413.96	22,230.16	29,550.00	7,318.00-	39,400.00
403 UTILITIES	0.00	12,048.24	27,750.00	15,702.00-	37,000.00
405 PROF. & SCIENTIFIC SERVICE	5,211.24	21,344.13	23,850.00	2,507.00-	31,800.00
406 OUTSIDE SERVICES	0.00	3,120.75	0.00	3,121.00-	0.00
408 ADVERTISING & PUBLICITY	5,405.47	38,751.06	31,125.00	7,626.00-	41,500.00
410 DATA PROCESSING	5.92	916.71	750.00	166.00-	1,000.00
414 REIMBURSEMENTS TO OTHER A	606.21	1,476.26	1,200.00	275.00-	1,600.00
501 EQUIPMENT	80.00	360.00	225.00	135.00-	300.00
602 OTHER EXPENSES & OBLIGATI	10,554.72	37,290.40	65,789.00	28,498.00-	87,719.00
621 BACK PAY INTEREST	0.00	389.00	0.00	389.00-	0.00
DIVISION TOTAL	269,800.53	1,843,554.55	2,052,928.00	209,377.00-	2,737,242.00

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	TOTAL EXPENDITURES 03/01/93 - 03/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	271,157.67	1,644,498.19	1,641,347.00	3,152.00-	2,455,144.00
202 IN-STATE TRAVEL	2,836.16	18,322.10	28,602.00	10,278.00-	38,139.00
203 STATE VEHICLE OPERATION	1,614.74	14,936.86	17,737.00	2,800.00-	23,650.00
204 STATE VEHICLE DEPRECIATIO	2,195.00	21,715.00	25,177.00	3,462.00-	33,570.00
301 OFFICE SUPPLIES	5,371.74	17,993.14	18,150.00	156.00-	24,200.00
302 FACILITY MAINTENANCE SUPP	9,201.29	24,654.48	11,170.00	13,484.00-	14,899.00
303 EQUIPMENT MAINTENANCE SUP	6.74	96.97	637.00	540.00-	850.00
304 PROF. & SCIENTIFIC SUPPL	127.92	6,612.55	12,862.00	6,250.00-	17,150.00
308 OTHER SUPPLIES	94.92	23,741.89	800.00	485.00-	1,200.00
309 PRINTING & BINDING	1,034.70-	10,527.52	27,943.00	4,199.00-	37,259.00
401 COMMUNICATIONS	3,431.20	33,899.00	33,899.00	23,371.00-	45,200.00
402 RENTALS	2,391.18	22,186.34	25,312.00	3,125.00-	33,750.00
403 UTILITIES	0.00	1,300.00	1,800.00	500.00-	2,400.00
405 PROF. & SCIENTIFIC SERVICE	3,006.46	13,428.72	9,540.00	3,889.00-	12,200.00
406 OUTSIDE SERVICES	11,797.24	319,832.40	623,456.00	303,624.00-	831,276.00
410 DATA PROCESSING	1,508.74	13,620.75	14,856.00	1,337.00-	19,845.00
414 REIMBURSEMENTS TO OTHER A	4,291.19	11,612.06	12,450.00	838.00-	16,600.00
501 EQUIPMENT	2,153.73	5,543.16	4,434.00	1,109.00-	5,920.00
602 OTHER EXPENSES & OBLIGATI	28,110.55	45,208.18	34,875.00	10,331.00-	46,500.00
621 BACK PAY INTEREST	6,723.00	6,723.00	0.00	6,723.00-	0.00
	0.00	481.77	0.00	483.00-	0.00
DIVISION TOTAL	354,984.77	2,423,451.10	2,745,247.00	321,796.00-	3,660,372.00

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	TOTAL EXPENDITURES 03/01/93 - 03/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	860,299.20	5,527,817.53	5,723,659.00	195,839.00-	7,631,563.00
202 IN-STATE TRAVEL	3,894.35	33,538.54	87,389.00	53,852.00-	116,520.00
203 STATE VEHICLE OPERATION	2,669.07	30,321.28	42,375.00	12,054.00-	56,500.00
204 STATE VEHICLE DEPRECIATIO	5,005.00	45,925.00	48,750.00	2,825.00-	65,000.00
205 OUT-STATE TRAVEL	5,744.18	27,188.56	31,375.00	4,187.00-	106,500.00
301 OFFICE SUPPLIES	5,935.70	48,840.85	51,749.00	2,908.00-	69,000.00
302 FACILITY MAINTENANCE SUPP	38.56	11,329.17	1,575.00	9,754.00	2,100.00
303 EQUIPMENT MAINTENANCE SUP	1,923.79	6,204.53	6,300.00	99.00	8,400.00
308 OTHER SUPPLIES	1,274.55	17,025.13	28,012.00	10,986.00	37,350.00
309 PRINTING & BINDING	5,957.35	50,116.25	44,429.00	5,686.00	59,240.00
312 UNIFORMS & RELATED ITEMS	138.00	775.46	1,500.00	724.00	2,000.00
401 COMMUNICATIONS	9,963.60	84,967.75	103,377.00	18,410.00-	137,836.00
402 RENTALS	4,900.34	37,973.27	45,225.00	7,252.00-	60,300.00
403 UTILITIES	1,864.88	11,734.92	13,233.00	1,498.00-	17,645.00
405 PROF & SCIENTIFIC SERVICE	45,813.48	591,240.12	1,457,169.00	865,929.00-	1,942,895.00
406 OUTSIDE SERVICES	1,976.34	45,834.19	65,189.00	19,355.00-	86,920.00
408 ADVERTISING & PUBLICITY	451.36	2,270.91	8,550.00	6,280.00-	11,400.00
410 DATA PROCESSING	49,780.68	119,126.37	130,245.00	11,117.00-	173,660.00
414 REIMBURSEMENTS TO OTHER A	370.00	12,269.92	6,169.00	24,280.00	24,580.00
501 EQUIPMENT	7,505.60	277,481.72	196,190.00	81,291.00-	261,587.00
602 OTHER EXPENSES & OBLIGATI	11,759.00	11,765.14	2,400.00	9,365.00	3,200.00
621 BACK PAY INTEREST	0.00	657.29	0.00	657.29	0.00
DIVISION TOTAL	1,027,437.23	6,995,487.89	8,157,125.00	1,161,634.00-	10,876,196.00

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	TOTAL EXPENDITURES 03/01/93 - 03/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	1,371,302.33	9,464,574.87	9,290,140.00	174,433.00	12,366,876.00
202 IN-STATE TRAVEL	29,507.76	220,182.18	236,519.00	16,336.00-	315,362.00
203 STATE VEHICLE OPERATION	33,724.05	365,229.21	342,807.00	22,424.00	457,079.00
204 STATE VEHICLE DEPRECIATIO	56,185.00	517,125.00	548,536.00	31,411.00-	731,387.00
205 OUT-STATE TRAVEL	5,567.56	23,823.16	21,750.00	2,075.00	29,000.00
301 OFFICE SUPPLIES	20,361.58	249,235.65	154,737.00	94,499.00	206,320.00
302 FACILITY MAINTENANCE SUPP	24,197.87	175,725.44	236,715.00	60,992.00-	315,624.00
303 EQUIPMENT MAINTENANCE SUP	20,982.91	232,654.51	257,644.00	24,990.00-	343,527.00
307 AG..CONSERVATION & MORT S	24,001.30	143,145.39	236,900.00	93,755.00-	315,870.00
308 OTHER SUPPLIES	3,809.94	80,571.68	61,335.00	19,235.00	81,783.00
309 PRINTING & BINDING	10,828.85	89,591.97	95,029.00	5,437.00-	126,706.00
312 UNIFORMS & RELATED ITEMS	5,632.59	35,269.87	90,086.00	54,814.00-	120,121.00
401 COMMUNICATIONS	22,499.31	106,552.14	134,214.00	2,337.00	178,955.00
402 RENTALS	4,142.50	34,943.75	37,180.00	2,246.00-	49,592.00
403 UTILITIES	29,021.18	153,099.75	165,277.00	12,176.00-	230,370.00
405 PROF & SCIENTIFIC SERVICE	0.00	76,198.74	82,500.00	6,300.00-	110,000.00
406 OUTSIDE SERVICES	8,989.52	90,359.62	98,608.00	8,251.00-	131,480.00
408 ADVERTISING & PUBLICITY	1,149.70	2,220.30	1,950.00	269.00	2,600.00
410 DATA PROCESSING	5,023.78	48,108.82	30,900.00	17,208.00	4,200.00
414 REIMBURSEMENTS TO OTHER A	206.00	25,474.54	116,587.00	91,113.00-	155,450.00
501 EQUIPMENT	26,178.72	357,954.06	243,482.00	114,473.00	324,548.00
602 OTHER EXPENSES & OBLIGATI	347.96	1,649.21	154,200.00	152,551.00-	205,600.00
621 BACK PAY INTEREST	0.00	5,155.68	0.00	5,156.00	0.00
701 LICENSES	475.00	575.00	225.00	350.00	300.00
DIVISION TOTAL	1,704,135.41	12,529,421.64	12,637,331.00	107,910.00-	16,849,850.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 03/31/93

PAGE 8

	TOTAL EXPENDITURES 03/01/93 - 03/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	63,834.03	493,938.82	544,961.00	51,022.00-	726,418.00
202 IN-STATE TRAVEL	1,605.49	14,791.71	23,700.00	8,908.00-	31,600.00
205 OUT-STATE TRAVEL	464.00	7,432.62	15,525.00	8,092.00-	20,700.00
301 OFFICE SUPPLIES	641.68	1,947.44	5,932.00	3,985.00-	7,910.00
302 FACILITY MAINTENANCE SUPP	0.00	752.84	202.00	551.00	270.00
303 EQUIPMENT MAINTENANCE SUP	143.00	290.50	187.00	104.00	250.00
308 OTHER SUPPLIES	63.78	7,810.66	11,811.00	4,000.00-	15,749.00
309 PRINTING & BINDING	172.05	15,692.43	48,750.00	33,058.00-	65,000.00
401 COMMUNICATIONS	1,219.13	15,231.49	18,491.00	3,259.00-	24,850.00
405 PROF & SCIENTIFIC SERVICE	6,464.86	118,454.07	134,180.00	15,725.00-	178,907.00
406 OUTSIDE SERVICES	0.00	9,256.70	3,363.00	5,894.00	4,485.00
410 DATA PROCESSING	1,367.23	3,305.74	5,610.00	2,305.00-	7,480.00
414 REIMBURSEMENTS TO OTHER A	1,256.92	8,393.20	13,612.00	5,218.00-	18,150.00
501 EQUIPMENT	0.00	25,276.39	25,857.00	581.00-	34,510.00
602 OTHER EXPENSES & OBLIGATI	4,985.00	4,985.00	3,375.00	1,610.00	4,500.00
621 BACK PAY INTEREST	0.00	75.42	0.00	76.00	0.00
DIVISION TOTAL	102,217.18	727,635.13	855,656.00	128,018.00-	1,140,884.00

E93Apr-4

Director Wilson pointed out that on page 6 of the report, the Environmental Protection Division budget shows a sizable surplus in the account and much of it is due to positions that were budgeted for and are still vacant.

Margaret Pahl inquired as to what is covered under Other Expenses and Obligations.

Director Wilson stated that he will check on it and let the Commission know the specifics.

INFORMATIONAL ONLY

LANDFILL ALTERNATIVES GRANT CONTRACTS APPROVAL

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Fourteen grant applications were selected for funding from the round of fifty-three applications submitted the first Monday in December, 1992. Of the fourteen grant awards, one grant award is for less than \$25,000. At this time, the Commission is requested to approve the remaining thirteen grant contracts all in excess of \$25,000.

A brief summary of each project for which contract approval is requested is provided below. Portions of the thirteen contracts for Commission review and approval are attached and begin on page 5.

- 1) Seneca Area Agency on Aging, Inc. \$50,320

A waste reduction project that will eliminate the use of styrofoam trays in favor of reusable meal trays for the agency's homebound meals delivery program. The agency is located in the City of Ottumwa and annually serves nearly 285,000 meals to elderly persons throughout a ten county area (Appanoose, Davis, Jefferson, Keokuk, Lucas, Mahaska, Monroe, Van Buren, Wapello, and Wayne). Grant funds will be used for the purchase of separate reusable trays for hot and cold foods. Peggy Amos is Agency Director and Pam O'Leary is the project coordinator.

- 2) Simonsen Industries, Inc. \$107,804

This waste to energy project will primarily burn sawmill generated wood waste in a boiler to be purchased with grant fund assistance. All steam produced will be used in house. Wood waste will become Simonsen's primary fuel source replacing propane fuel. This project will directly affect the rendering division of Simonsen Industries. The applicant is located in the City of Sanborn, Cherokee County, and will be taking wood waste from a sawmill near Redfield (Dallas County) and a sawmill near South Sioux City Nebraska. Mark, Richard, and Jeff Simonsen are owners. Jeff Simonsen is the point of contact.

3) Fayette County Solid Waste Commission \$152,937

Grant funds will be used for an addition to the materials processing building, equipment, and salaries. The project will expand recycling opportunities and precycling and recycling education programs into all of Chickasaw County, and portions of Clayton, Buchanan, and Allamakee Counties. Materials to be processed include: cardboard, newsprint, office paper, glass (clear, green, brown), plastic (#1, #2, #3, #4, #5, and #6), textiles, food cans, and magazines. Jerri Watson is Chair of the Solid Waste Commission.

4) Kossuth County Board of Supervisors. \$188,847

The project will assist in the implementation of a three (3) county regional recycling program involving Kossuth, Palo Alto, and Pocahontas Counties. The project involves construction of a transfer station, the purchase of equipment, and the development and delivery of educational programs. Materials will be received at the transfer station and prepared for transportation to Horizons Unlimited (previous grantee) for processing and marketing. Richard Schiek, Kossuth County Engineer is the point of contact.

5) Linn County \$211,047

The project involves construction of a recycling/transfer station, the purchase of equipment, and implementation of educational programs. Limited processing will take place at the transfer station to prepare items for transportation to the selected recycling center for processing, marketing, and transportation to market. Jean Oxley is Chair of the Linn County Board of Supervisors and Rebecca Palmer, Linn County Solid Waste Planning Coordinator is the contact person.

6) Des Moines Metropolitan Area Solid Waste Agency \$37,483

The applicant will implement a pilot recycling project in the Des Moines metropolitan area and the City of Norwalk for multi-family housing units of varying sizes, family income and age of tenants. Grant funds will be used for the preparation of educational materials, and recyclable materials transportation and processing costs. Teree Caldwell Johnson is the Director of Des Moines Metro and Caroline Cummings is the project contact person.

7) Des Moines County Regional Solid Waste Commission \$300,000

The applicant will construct a municipal solid waste co-composting facility to serve all of Des Moines County, six (6) communities in Henry County and one (1) community in Louisa County. Grant funds will be used to assist in the purchase of three (3) rotary digesters. Finished compost

will be utilized as daily cover at the landfill, applied as a soil amendment to Commission owned land and tested for additional soil applications. Larry Larson is Director of Solid Waste for Des Moines County and the contact person.

8) City Carton, Inc.

\$98,000

The project involves the construction and equipping of a recycling center located in the City of Iowa City. Grant funds will be utilized in the purchase of a multi-material sorting system to allow efficient, sorting of different grades and additional types of recyclables. The project will directly affect a 70 mile radius of Iowa City and indirectly affect the entire State. John, Andy, Mark, Tim, Chris, Cindy, and Bream Okenfels and Donna Ames are owners. John Okenfels is the contact person.

9) Dallas County\Cities of Adel and Perry

\$146,689

The project involves implementing curbside collection of recyclables in the Cities of Adel and Perry and drop-off collection of recyclables for rural residents. All recyclables will be transported to Genesis recycling in Jefferson (previous grantee) for processing, marketing and transportation. Grant funds will be utilized in the purchase of one (1) recycling vehicle for the City of Perry, the purchase of curbside collection bins, drop-off containers and education program development and implementation. Terry Brooks is the Dallas County Environmental Sanitarian and contact person.

10) Cass County Landfill Commission

\$72,000

Grant assistance is requested to implement a drop-off recycling program in Cass and eastern Pottawattamie Counties. Drop-off containers will be placed in each community in the project area for use by city and rural residents. Grant funds will be used in the purchase of recycling containers and a vehicle with hoist for transportation of the containers to NISHNA Recycling Center. NISHNA (previous grantee) will process, market and transport materials to market. Duane Becker is Chair of the Board of Supervisors. Ken Coffman is the point of contact.

11) Harrison County Landfill Association

\$50,130

Grant assistance is requested to implement a drop-off recycling program in Harrison County. Drop-boxes will be placed in each municipality for use by city and rural residents. Grant funds will be used in the purchase of recycling containers, education, and transportation of the containers. Monona County Recycling Center (previous grantee) will pick up the containers, process, market and transport materials to market. Ronald Reiff is Chair of the Association and the contact person.

12) Howard County Board of Supervisors

\$104,971

The project involves expanding the existing materials recovery facility, Spectrum Industries located in the City of Cresco, to process increased amounts of recyclables. Two (2) towns the applicant serves have instituted curbside recycling. Grant assistance is requested for the purchase of equipment, building renovation, a vehicle, salary, and brush chipper. The applicant currently co-markets processed materials and will continue to do so. Robert Voves is Chair of the Board of Supervisors and Dennis Kanke, Recycling Coordinator, is the project's contact person.

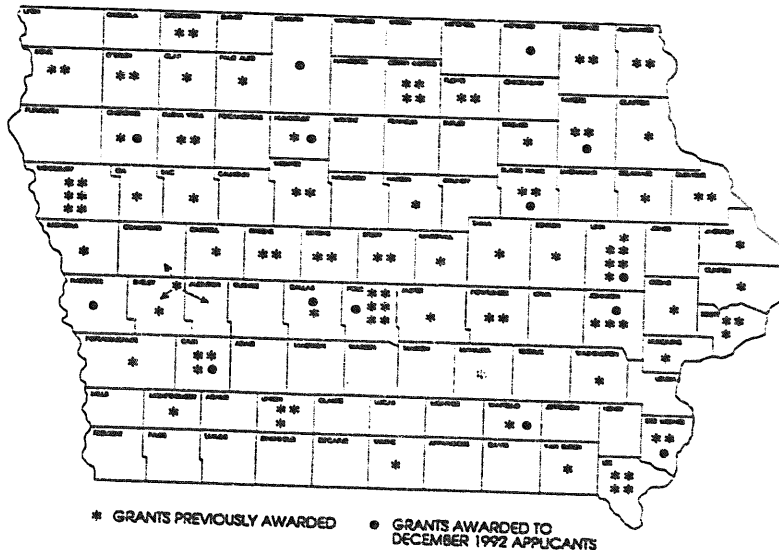
13) PRO Cooperative

\$31,572

The farmers cooperative, located in Bradgate, Humboldt County, proposes to expand the animal bedding operation and decrease the labor intensity of their operation. All old newspaper from Humboldt County is now going to PRO Cooperative. In addition, PRO Cooperative is purchasing old newspaper from Horizons Unlimited (previous grantee) located in Palo Alto County. Alternative markets for old newspaper are also being considered. Grant assistance is requested for the purchase of equipment, trailers, building modifications, supplies, and marketing. Stanley Benjamin is the Coop Manager and contact person.

(A copy of the Scope of Work and Budget for each project is on file in the department's Records Center)

LANDFILL ALTERNATIVES GRANT PROGRAM



Ms. Hay briefly explained the grant contracts and asked the Commission's approval of same.

Clark Yeager asked if a committee of people from outside the department reviewed the grants.

Ms. Hay replied that a committee of people came in and reviewed the applications and subsequently provided a variety of comments, not evaluations in terms of actual scores. This was done after the internal review committee had made selections as to which grants would be awarded.

Discussion followed regarding the outside review committee and their role as commentators rather than decision makers in the selection process.

Director Wilson stated that the public should be able to address the rules, the hierarchy, and how the process is scored, but they should not be allowed to evaluate the staff scoring of the projects.

Margaret Pahl noted that the principal thrust of the independent group review was that the projects are becoming less innovative and there are more demonstration type grants. She added that one of the criticisms about the Seneca Agency project was not of the project itself, but that it is the same as other projects which were previously funded. She asked if results of these projects are being evaluated and if a report could possibly be issued.

Ms. Hay stated that case studies are being developed for all of the grant projects that have been completed. A few of those case studies are now complete and contain information such as what worked, what did not work, what was unique about the project, what would be done differently, etc. She related that one can focus on the fact that these should be innovative demonstration projects or they can take into consideration the fact that the ultimate purpose is to divert waste from the landfill.

Following further discussion, Ms. Hay noted that staff is developing a list of items that need rule changes and they will be brought to the Commission at a later date.

Chairperson Hartsuck commented that he would like the Commission to sit down with staff and interested parties in a "think tank" session to see where staff is coming from and to get the thrust of staff concerns and constraints they are working under.

Director Wilson stated that the department used the "think tank" type of evaluation on the Groundwater Protection Act and it worked well. He related that it could be done in conjunction with a Commission meeting, prior to making any rule changes.

Motion was made by Margaret Pahl to approve the Landfill Alternatives Grant Contracts as presented but noted that she would like to hear from Jim Ulveling on this before taking a vote. Seconded by Clark Yeager.

Jim Ulveling

Jim Ulveling, Director, Carroll County Solid Waste, stated that when the independent committee reviewed the grant applications they did not want to be in the decision making end. He added that Ron Mace, Tom Clark and Dave Honkamp also worked on the committee and they mainly

wanted to offer their expertise but did not want to make decisions. He noted that they saw red flags that was scaring them and wanted to offer what was happening in the field. Mr. Ulveling stated that the group feel it is very important to audit the grants, look thoroughly where the money is spent, and analyze whether any changes need to be made to the program. He related that the "think-type" session would be an excellent vehicle for his group to express their views. He noted that applicants see this as a way of getting money and it's tough for people in the field to be competitive. He also expressed concern with awarding grant funds to a facility that is not in compliance with the law.

Director Wilson inquired as to how many representatives from the landfill group should take part in a work session.

Ms. Hay suggested that it be kept relatively small to keep it manageable, with possibly 4-5 members participating.

Vote on Commissioner Prahl's motion to approve the contracts as presented carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Scott Power

Scott Power, Attorney, addressed the Commission stating that he represents four drainage districts from Des Moines to Louisa County. In reference to proposed rule changes to Chapter 61, Water Quality Standards, he noted that the districts are concerned with the reclassification of some of the drainage districts to a B-Warm Water classification. They are also concerned with the impact the rules will have on their ability to maintain the ditches. Mr. Power indicated that the argument by DNR staff is that the implementation of this policy may not cover these districts, and the districts want something more definite than that. He asked that the drainage districts not be classified as B-Warm Water at all, or that they be exempted from these rules. Mr. Power distributed copies of written public comments to these rules, which were submitted by various drainage districts.

Clark Yeager asked how much is spent by the districts each year for maintenance.

Mr. Power stated that there is an assessment of \$10/acre for drainage and \$3/acre for levees.

Richard Siegel

Richard Siegel, Drainage District #4, expressed concern with the possibility that districts may have to treat water from the drainage ditches the same as a sewage disposal plant would have to

before discharging to the Mississippi River. He related that costs to do that would be prohibitive. Also discussed were portions of the rules which would affect the districts and when the rules will be presented to the Commission.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 16 pages)

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Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
April 1, 1993

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULE REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 1 - Conflict of Interest	4/15/93	*5/12/93	*6/ /93	*6/ /93	*7/19/93	*7/19/93	*8/16/93	*9/22/93
2. Ch. 22 - Air Construction Permit Exemptions	*5/17/93	*6/09/93	*7/ /93	*7/ /93	*8/16/93	*8/16/93	*9/15/93	*10/28/93
3. Chs. 34, 37, 38, 50 and 54 - Well Contractor Certification Program Rule Changes								
		E R R E G E R C Y			4/15/93	*4/15/93	*5/12/93	*7/01/93
4. Ch. 40-42 - EPA Phase V Drinking Water Standards	4/15/93	*5/12/93	*6/ /93	*6/ /93	*7/19/93	*7/19/93	*8/16/93	*9/22/93
5. Ch. 61 - Stream Use Designation - Phase V	1/19/93	2/17/93	3/08/93	3/08/93	*5/17/93	*5/17/93	*6/09/93	*7/14/93
6. Ch. 100, 102 - Special Waste Authorizations	3/15/93	4/14/93	*5/ /93	*5/04/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
7. Ch 102 - Financial Assurance Mechanism for Closure and Post-Closure Costs at Sanitary Disposal Projects	10/19/92	11/11/92	12/01/92	12/01/92 12/02/92 12/03/92	*5/17/93	*5/17/93	*6/09/93	*7/14/93
8. Ch. 119, 143 - Use of Recycled Oils for Road Oil, Etc.	3/15/93	4/14/93	*5/ /93	*5/04/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
9. Ch. 121 - Land Appl. of Wastes (Petroleum-Contaminated Solids)	3/15/93	4/14/93	*5/ /93	*5/04/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
10. Ch. 135 - UST, Financial Responsibility	2/15/93	3/17/93	4/05/93	4/05/93	*5/17/93	*5/17/93	*6/09/93	*7/14/93
11. Ch. 136 - Financial Responsibility for USTs	*5/17/93	*6/09/93	*7/ /93	*7/ /93	*8/16/93	*8/16/93	*9/15/93	*10/28/93
12. Ch. 212 - Loans for Waste Reduction and Recycling	2/15/93	3/17/93	4/05/93	4/05/93	*5/17/93	*5/17/93	*6/09/93	*7/14/93
13. Ch. 213 - Packaging - Heavy Metals	2/15/93	3/17/93	4/05/93	*6/07/93	5/17/93	*5/17/93	*6/09/93	*7/14/93

MONTHLY VARIANCE REPORT						
Month: March, 1993						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	E. Phillip Crawford - Henry County	Air Quality		Structures	Denied	03/15/93
2.	City of Johnston	Wastewater Construction	Veenstra & Kimm, Inc.	Access to Wet Wells, and Lighting at Pump Stations	Denied	03/10/93
3.	City of Johnston	Wastewater Construction	Veenstra & Kimm, Inc.	Chlorine Contact Tank	Approved	03/10/93
4.	City of Johnston	Wastewater Construction	Veenstra & Kimm, Inc.	Pumping Station Capacity and Number of Pumps	Approved	03/10/93
5.	City of Johnston	Wastewater Construction	Veenstra & Kimm, Inc.	Increase in Lagoon Depth, Reliability, Lagoon Piping, Cell Isolation, and Lagoon Multi-Level Drawoffs	Approved Conditionally	03/10/93
6.	City of Vinton	Wastewater Construction	Hart Engineering	Sewer Grade	Approved	03/31/93
7.	Iowa DOT, Highway 100 Bridge, Indian Creek Linn County	Flood Plain	Iowa DOT	Backwater	Approved	03/03/93

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Report of Hazardous Conditions

During the period March 1, 1993 through March 31, 1993, reports of 71 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
03/10/93 Monona	High winds caused a driver to lose control of a semi. The truck overturned and 200 gallons of diesel fuel spilled into a field. No waterways were impacted.	CRST Box 68 Cedar Rapids, IA	The contaminated soil will be excavated and disposed of at a SLP.
03/19/93 Pottawattamie	A liquid petroleum pipeline was damaged as a city contractor was excavating for a sanitary sewer line. 16,000 gallons of gasoline was released into the trench. The gasoline did not reach any surface waters, but groundwater has been impacted.	NCRA 825 E. S. Omaha Br. Rd. Council Bluffs, IA	The Council Bluffs Haz Mat team responded to eliminate explosion and fire hazards. Free product was recovered over a 5 day period. A limited groundwater remediation is anticipated.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1992

Substance Type

Mode

Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	83(87)	54(52)	8(4)	21(31)	51(42)	0(2)	25(24)	2(2)	0(0)	5(17)
Nov.	84(83)	46(56)	7(3)	21(22)	38(44)	1(1)	26(22)	0(0)	0(0)	9(13)
Dec.	67(81)	41(47)	9(7)	17(27)	37(40)	2(2)	28(28)	0(2)	0(1)	9(8)
Jan.	61(64)	47(40)	0(6)	14(18)	32(33)	1(0)	21(22)	1(1)	0(1)	6(8)
Feb.	39(61)	22(38)	2(6)	8(17)	22(36)	0(0)	13(19)	3(2)	0(0)	1(4)
March	71(79)	46(40)	4(15)	21(24)	45(50)	2(0)	21(14)	1(1)	1(0)	1(14)
April										
May										
June										
July										
August										
Sept.										

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
12	8	8	3	16	24

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Environmental Protection Commission Minutes

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of March 1, 1993 through March 31, 1993, the following number of releases from underground storage tanks were identified.

22 (34)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1992.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of March 1, 1993 through March 31, 1993, the following number of LUST cleanups were completed.

6 (554)

The number in parentheses represents the total number of LUST cleanups through March 31, 1993.

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Chicago Central & Pacific Railroad, Rockwell City (3)	Solid Waste	Illegal Disposal	Order/Penalty	3/03/93
Land Renu, Inc., Rockwell City (3)	Solid Waste	Illegal Disposal	Order/Penalty	3/03/93
Charles City, City of (2)	Wastewater	Effluent Limits	Amended Order	3/03/93
Henning Wood Products, Inc., Winneshiek County (1)	Solid Waste	Illegal Disposal	Order/Penalty	3/05/93
Donald Udell, Plymouth County (3)	Solid Waste	Illegal Disposal	Order/Penalty	3/05/93
Newton, City of (5)	Solid Waste	Leachate Control; Cover Violations; Other	Order/Penalty	3/05/93
LeMars, City of (3)	Wastewater	Pretreatment; Discharge Limits	Order/Penalty	3/10/93
Wells Dairy, Inc., LeMars (3)	Wastewater	Pretreatment; Discharge Limits	Order/Penalty	3/10/93
Don Grell d/b/a Dodger Enterprises, Ft. Dodge (2)	Air Quality	Open Burning	Referred to AG	3/15/93
Iowa County Sanitary Landfill	Solid Waste	Compliance Schedule	Order	3/25/93
Daisy H. Gridley, Conservatorship; Marvin Gridley, Wayne Gridley, Union County (4)	Solid Waste	Illegal Disposal	Order/Penalty	3/25/93
Phil McMains, Appanoose County (5)	Solid Waste	Illegal Disposal	Order/Penalty	3/25/93

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Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Crane Co. d/b/a Crane Valves, Washington County (6)	Solid Waste	Operation Without Permit; Compliance Schedule	Order/Penalty	3/25/93
Bedel's, Inc. d/b/a Bedel's Country Village MHP, Storm Lake (3)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate; Public Notice	Order/Penalty	3/25/93
Economy Solar Corp., Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	3/25/93
Technical Asbestos Control, Inc., Davenport (6)	Air Quality	Asbestos	Order/Penalty	3/25/93
Iowa-Illinois Thermal Insulation, Inc., Clinton (6)	Air Quality	Asbestos	Order/Penalty	3/25/93
Casey's General Stores, Inc., Anamosa (1)	Air Quality	Asbestos	Order/Penalty	3/25/93
Garling Construction, Inc., Anamosa (1)	Air Quality	Asbestos	Order/Penalty	3/25/93
Midwest Asbestos, Inc., Cedar Falls (1)	Air Quality	Asbestos	Order/Penalty	3/25/93
Fine Oil Co., Inc.; John Fine; Diane Fine, Appanoose County (5)	Air Quality	Asbestos	Order/Penalty	3/25/93
Enviro Safe Air, Inc., Sioux City (3)	Air Quality	Asbestos	Order/Penalty	3/25/93
Monroe County Board of Supervisors; Monroe County Board of Health (5)	Wastewater	Prohibited Discharge	Order	3/25/93
Mediapolis, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Order	3/25/93
Mike's Prairie Home, Ollie (6)	Drinking Water	Permit Condition Violations	Order/Penalty	3/25/93
Kingsley, City of (3)	Wastewater	Effluent Limits	Amended Order	3/25/93

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Joslin Enterprises, Ltd. (Anamosa)	UT	600	5-28-92
Don Grothe d/b/a Don's Motor Mart (Lake Mills)	UT	300	9-10-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Breeden Shop Building (Linn Co.)	FP	200	12-16-92
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Jay Roy; Roy's Inc. d/b/a Jay's Service (Des Moines)	UT	1,000	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Fausser Oil Company, Inc. (Elgin)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Charles Hennaman (Mitchel Co.)	SW	450	2-16-93
Dave Pittman d/b/a Pittman Construction (Des Moines)	AQ	300	2-31-93
*Partners-Four-Investments (Marble Rock/Rockwell)	UT	350	3-13-93
Curnes Homes, Ltd. (Carlisle)	AQ	500	3-19-93
Spring Grove Mobile Home Park (Burlington)	WS	200	4-02-93
Gilmore City, City of	WS	200	4-25-93
Mason City Recycling Center Ltd. (Mason City)	AQ	1,000	4-25-93
Diversified Industries, Inc. (Otho)	AQ	1,000	4-25-93
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000	5-03-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Chicago Central & Pacific Railroad (Rockwell City)	SW	700	5-08-93
Newton, City of	SW	1,000	5-09-93

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Wells Dairy, Inc. (LeMars)	WW	5,000	5-12-93
LeMars, City of	WW	5,000	5-15-93
Mike's Prairie Home (Ollie)	WS	500	5-30-93
Carson Grain & Implement (Coggon)	UT	1,000	-----
Donald Udehl (Plymouth Co.)	SW	1,000	-----
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000	-----
Enviro Safe Air, Inc. (Sioux City)	AQ	100	-----
Midwest Asbestos, Inc. (Cedar Falls)	AQ	100	-----
Garling Construction, Inc. (Anamosa)	AQ	500	-----
Casey's General Stores, Inc. (Anamosa)	AQ	1,000	-----
Iowa-Illinois Thermal Insulation, Inc. (Clinton)	AQ	100	-----
Technical Asbestos Control, Inc. (Davenport)	AQ	200	-----
Economy Solar Corp. (Monticello)	AQ	100	-----
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500	-----
Phil McMains (Appanoose Co.)	SW	4,000	-----
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000	-----
Bedel's Inc. (Storm Lake)	WS	450	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Weillendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Sheiley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Dehihi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
R.D. Loftin, DVM (Osage)	UT	300	2-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	100	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Marion Stark (Kellerton)	UT	300	8-26-92
Delano's Lounge (Washington)	WS	500	9-20-92
Midway Water & Lighting (Marion)	WS	863	10-07-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
63-80 Cafe (Malcom)	WS	1,000	10-22-92
Seven Ponds Park (Des Moines County)	WS	535	11-03-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Cloyd Foland	FP	800	12-07-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP (Iowa City)	WW	1,000
1st Iowa State Bank (Albia)	SW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000

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McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
Nordstrom Oil Company (Cedar Rapids)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
D. Frank/D. Steib/Interstate Salvage (Webster Co.)	AQ	600
Linden, City of	WS	1,000
William H. Viner (Emerson)	UT	600
Farmers Cooperative Elevator (Martelle)	HC	1,000
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Swaledale, City of	WS	400
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Country Estates Mobile Home Park (Long Grove)	WS	765
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Ida County Sanitary Landfill (Ida Co.)	SW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000
Decatur, City of	UT	600
South High Point Well Assn. #1 (Iowa City)	WS	600
Case Power and Equipment (Decorah)	WS	500
Cedar Valley Corporation (Waterloo)	AQ	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Donald Ferkle (Muscatine Co.)	AQ	600
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Country Mobile Home Court (New Hampton)	WS	845
Albert Rohwer/Chelmer Flynn (Scott Co.)	SW	1,000
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulsizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Gary Lalor (Wright Co.)	AQ/SW	600
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
Midway Oil Co. (Indianola)	UT	300
Raven Corp. & Midway Oil Co. (Toledo)	UT	600
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Balbert Beverage Co. (Burlington)	UT	300
Land Renu, Inc. (Rockwell City)	SW	1,000
Holman Inc. (Mason City)	AQ	5,000
Henning Wood Products, Inc. (Winneshiek Co.)	SW	500

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Gantz Enterprises (Dubuque)	AQ	1,000
*Partners-Four-Investments (Rockwell/Marble Rock)	UT	350
Tower Club (Cresco)	WS	200
Clement Auto and Truck, Inc. (Webster City)	UT	200
*Leisure Lake Inn (Bernard) (Paid in Full)	WS	50
Dilts Trucking, Inc. (Crescent)	UT	500
Kevin Askins d/b/a Community Builders (Carlisle)	AQ	150
Westside Park for Mobile Homes (Lee Co.)	WW	250
Hickory Acres Homeowners Assoc. (Dubuque)	WS	50
Hawarden, City of	WS	1,400
Reed's Interstate Sales (New Virginia)	WS	525
Duane Lester d/b/a Lester Painting Co. (Des Moines)	AQ	150
Vulcan Materials Co. (Linn Co.)	WW	1,000
Shipley Construction Co. (Burlington)	AQ	500
TOTAL		6,325

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
AP's Corner Oil Co. Carroll (4)		Hazardous Condition	Remedial Action	Order	Referred Petition Filed	12/16/91 12/16/92
American Meat Protein Corp Lytton (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Motion to Add City Granted	10/21/91 4/30/92 12/16/92
Ames Golf & Country Club Ames(5)		Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Ames, William D. Woodbury County (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/93
Amoco Oil Company Des Moines (5)		Underground Tank	Referred to Remedial Action	Referred Attorney General	Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 10/25/93
Anthon, City of (3)	Updated	Wastewater	Discharge Limits	Order	Referred Petition Filed	11/16/92 3/22/93
Behounek, Paul and Todd Tama (5)		Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	5/18/92 12/11/92
Birusingh, Kirshan A. Crescent (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 12/11/92
Boley, Fred d/b/a Boley Oil McCausland (6)		Hazardous Condition	Remedial Action	Order	Referred Site Investigation Plan Petition Filed	2/17/92 9/03/92 12/14/92
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information Guilty Plea	7/15/91 5/19/92 3/16/93
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Centerville, City of (5)		Wastewater	Pretreatment	Order/Penalty	Referred	10/19/92
Central Paving Corp. Indianola (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	10/19/92 2/25/93
Chicago, Central and Pacific R.R. Ft. Dodge (2)		Wastewater	Mtg/Rptg Effluent Limits	Referred to Attorney General	Referred	9/21/92
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93
Chicago & Northwestern Transportation Co. Stanwood (6)		Air Quality	Open Burning	Referred to Attorney General	Referred	5/07/92

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS April 1, 1993

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Cote Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred	4/15/91
	Order			Petition for Judicial Review	4/18/91	
				Order Granting Motion to Dismiss	7/23/91	
				Notice of Appeal	8/13/91	
					Affirmed by Supreme Court	10/21/92
Delanos Lounge Washington (6)		Drinking Water	MCL-Bacteria Mtg/Rptg.- Nitrate	Order/Penalty	Referred	1/19/93
Dillingham, V.R. Everly (3)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Consent Decree (\$1,000/Civil, Injunction)	6/15/92 3/22/93
Dilts Trucking, Inc. Crescent (4)	Updated	Underground Tank	Closure Investigation	Referred to Attorney General	Referred Motion for Judgment Admin. Penalty Paid (\$500)	4/20/92 12/02/92 3/08/93
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)	Updated	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 3/04/93
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92
			Ervin, Don (CONTINUED)			
					Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence	2/17/93 3/17/93 3/18/93 3/19/93
First Iowa State Bank Albia (2)		Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Ruling on Petition for Judicial Review Appeal to Ia. Supreme Court State Filed Brief	4/12/91 3/02/92 3/31/92 8/03/92
Foland, Cloyd Dwartz Co. (5)		Flood Plain	Unauthorized Construction	Order Penalty	Post-Judicial Review Enforcement Supreme Court Affirmed Post-Judicial Review Enforcement	12/07/92 12/07/92 2/01/93
Giese Construction Co. Ft. Dodge (2)	Updated	Solid Waste Air Quality Burning	Illegal Dis- posal; Open	Referred to Attorney General	Referred Petition Filed	5/29/92 3/26/93
Giese Construction Co. Ft. Dodge (2)	Updated	Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed	1/19/93 3/26/93
Greil, Don d/b/a Dodger Enterprises Ft. Dodge (2)	New	Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment	3/15/93 3/25/93

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS April 1, 1993

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Heyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6)		Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred	2/15/93
Humboldt County Sanitary Landfill (2)		Solid Waste	Cover Viola- tions; Other	Referred to Attorney General	Referred	5/29/92
IBP, Inc. Columbus Junction (6)		Wastewater	DNR Defendant	Defense	Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal	3/17/92 10/28/92 11/05/92 12/16/92 1/11/93
Iowa City, City of (6)		Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed	4/20/92 1/28/93
Landfill of Des Moines, Inc. Des Moines #4 (5)		Solid Waste	Compliance Schedule;Other	Order/Penalty	Referred Petition Filed	12/16/91 9/01/92
Landfill of Des Moines, Inc. Des Moines #5 (5)		Solid Waste	Compliance Schedule;Other	Order/Penalty	Referred Petition Filed	5/18/92 9/01/92
Lofren, R. D. d/b/a Lofren Veterinary Services Osage (2)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	4/20/92 12/18/92
Lucas-Monroe County Sanitary Landfill (5)	Updated	Solid Waste	Other	Referred to Attorney General	Referred Consent Decree (\$6,000/Civil)	5/29/92 3/15/93
Lytton, City of (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed (Added to AJMPC)	5/18/92 12/28/92
Mansdum, Donald Rulfe (3)		Solid Waste	Operation Without Permit	Order	Referred Petition Filed	1/21/92 8/26/92
MackMillan Oil Co., Inc.; The Graham Group, Inc. Des Moines (5)	Updated	Wastewater	Prohibited Dis- charge; Remedial Action	Referred to Attorney General	Referred Consent Decree (\$31,450/Civil; Injunction)	7/20/92 3/11/93
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKinnis Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation	3/12/91 5/01/91 3/26/92
Midway Water & Lighting Marion (1)		Drinking Water	Mtrg/Rptg: MCL-Bacteria	Order/Penalty	Referred	12/21/92
Midwest Environmental Law Center v. EPC	Updated	Air Quality	DNR Defendant	Defense	Suit Filed Motion for Summary Judgment Summary Judgment Denied Trial Petitioner's Brief Due State's Brief Due Ruling for State	12/03/91 4/10/92 5/22/92 12/22/92 1/15/93 1/29/93 3/01/93

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS April 1, 1993

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Monfort, Inc. Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial info. Filed (Polk Co.) Pre-Trial Hearing Trial Date Guilty Verdict Motion for New Trial Hearing on Motion	12/11/89 7/19/91 7/31/92 1/23/93 1/23/93 2/12/93 3/16/93
Moore, Ron d/b/a 63-180 Cafe Maloom (5)		Drinking Water	Mtrg/Rptg Nitrate; Other	Order/Penalty	Referred	11/16/92
Murquis, Craig d/b/a Seven Ponds Park Sperry (6)	Updated	Drinking Water	Mtrg/Rptg Bacteria & Nitrate	Order/Penalty	Referred Payment Schedule (\$535/Admin.)	12/21/92 3/08/93
Nollen, Harold d/b/a Nollen Phillips 66 Harian (4)		Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92
Shelley, Roberto and Sally Guthrie Center (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000/Admin. Clean-up Orders) Notice of Appeal Appellant's Brief State's Brief	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/09/92 1/11/93
Smith, Don Dallas Center (5)	Updated	Underground Tank	Closure Investigation/ Failure to Register	Order	Referred Petition Filed	10/19/92 3/08/93
Soo Line Railroad Co. Mason City (2)		Wastewater Hazz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred Petition Filed	7/15/91 12/17/92
Stark, Marion Kellerton (4)		Underground Tank	Closure Investigation	Order/Penalty	Referred	10/19/92
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Updated	Drinking Water	Mtrg/Rptg. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/92 3/05/93
Prins, John; Bradford Paving Bradford (2)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	10/19/92 12/24/92
Rankin, Neil d/b/a Rankin Roofing & Siding Knoxville (5)	Updated	Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Judgment for State (\$500/Admin.)	12/21/92 3/12/93 3/26/93
Rends Interstate Sales New Virginia (5)	Updated	Drinking Water	MCL-Bacteria Mtrg/Rptg.- Bacteria	Order/Penalty	Referred Admin. Penalty Paid (\$525)	1/18/93 3/18/93
Sadler, Bernard and Ger Mer Farms, Inc. Allamakee Co. (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	9/21/92 12/24/92
Schultz, Albert and Iowa Iron Works Ely (1)	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Continued	9/20/89 8/08/90 3/05/93

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS April 1, 1993

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Starling, Vern Perry (5)		Solid Waste	Illegal Disposal	Order	Referred	11/16/92
Tama City of (5)	Updated	Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed Consent Decree (\$5,000/Civil Injunction)	6/15/92 2/26/93 3/04/93
Tandon-Oak Park Assoc. Fort Dodge (2)		Drinking Water	Mtg/Rptg Bacteria/Inorg. Organics/Rads.	Order/Penalty	Referred	7/20/92
Van Hulzen, Kenneth Oskaloosa (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Motion for Judgment	6/15/92 12/02/92
Vonderhaar, Leonard Holy Cross (1)	Updated	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	8/17/92 3/24/93
Winterset, City of (5)	Updated	Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed	7/20/92 3/23/93
Wunschel, Vernus Ida Grove (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92
Yentes, Clifford Council Bluffs (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young Radiator Co. Centerville (5)		Wastewater	Pretreatment	Order	Referred	11/15/92

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES April 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WM	Lande	Hearing continued.
5-12-87	Iowa City Regency HWP	Administrative Order	WM	Hansen	Facility requested DNR calculate MUA and permit limits for proposed upgrade.
1-15-88	First Iowa State Bank	Administrative Order	SM	Kennedy	Appealed to Supreme Court.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	SCR submitted - more work required.
10-20-88	North Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review.
1-25-89	Amoco Oil Co. - Des Moines 7LTY03	Administrative Order	UT	Wornson	Clean-up progressing. Review progress.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Compliance initiated. Review progress.
6-08-89	Shaver Road Investments	Site Registry	WM	Lande	Hearing continued. Discovery initiated.

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES April 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	Petition for judicial review of agency action. Oral argument 3/10/93.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
11-20-89	FFCA/IIP	Site Registry	HC	Murphy	Considering dismissal.
4-23-90	Sioux City, City of	Administrative Order	WM	Hansen	Amended order to be issued.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WM	Hansen	City response under review by EPD.
6-26-90	Naple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Hearing set for 4/23/93.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued.
7-23-90	ISP, Inc. Perry	Administrative Order NPDES Permit	WM	Hansen	3/93 letter from ISP agreeing appeal can be closed.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing set for 8/5/93.
9-10-90	ISP, Inc. Columbus Junction	Administrative Order NPDES Permit	WM	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	Finalize settlement re: SCR.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Investigate alternatives-finalize inability, etc.
10-18-90	Marlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES April 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Wornson	Settlement close.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued to 8/09/93.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Preziosi	Negotiating settlement.
3-22-91	Mitchell Bros. Boers and Gilts	Administrative Order	WU	Murphy	Negotiating before filing.
5-09-91	Oskaloose Food Products Corp.	Administrative Order	WU	Hansen	Letter sent 9/4/92 regarding resolution of appeal. Permit limits & IALA under review by EPD.
5-16-91	Oskaloosa, City of	Administrative Order	WU	Hansen	Revised schedule requested by city manager.
5-20-91	Great Rivers Coop.-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Firestone proceeding with site investigation.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution.
7-26-91	Alter Trading Corp. (Devenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance nearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	Appeal withdrawn. Closed.
10-02-91	ISP, Inc. - Storm Lake	Permit Conditions	WU	Hansen	Revised permit issued. Settled.
12-03-91	State Central Bank	Administrative Order	UT	Wornson	Settlement signed. Closure report due 3/93.
12-05-91	Tower Club	Administrative Order	WS	Hansen	Penalty paid. Settled.
12-31-91	Linden Water Supply	Administrative Order	WS	Hansen	Hearing set for 4/21/93.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	2/93 revised report reviewed by WS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Ltr. received 7/28/92 regarding compliance.
1-21-92	Dell Oil, Ltd.	Administrative Order	HC	Wornson	Meeting 3/25/92. Drafting document.

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES April 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-25-92	Wardstrom Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing; compliance initiated.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution.
3-12-92	Farmers Cooperative Elevator - Martelle	Administrative Order	HC	Murphy	Negotiating before filing; compliance initiated.
3-23-92	Partners-Four Investments-Rockwell	Administrative Order	UT	Wornson	Second penalty installment overdue.
3-23-92	Partners-Four Investments-Marble Rock	Administrative Order	UT	Wornson	Second penalty installment overdue.
3-30-92	White Consolidated Industries	Administrative Order	WV	Hansen	Negotiating before filing.
3-30-92	Dennis Frank/Dennis Steib d/b/a Franks Auto Salvage	Administrative Order	AQ	Kennedy	Negotiating before filing.
4-03-92	Charles P. Schafer; Stringtown Properties; First Community National Bank	Administrative Order	UT	Wornson	Hearing postponed. County taking tax deed.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SU	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WV	Murphy	Negotiating before filing.
4-13-92	Stringtown Country Cafe	Administrative Order	VS	Hansen	Emergency AO issued supplementing 2nd Emergency AO
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-16-92	Swaledale, City of	Administrative Order	VS	Hansen	3/93 Dept. settlement offer to City.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	VS	Hansen	Negotiating before filing.
5-05-92	Lincoln Farm & Home Service	Administrative Order	WV	Murphy	Settled.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WV	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-05-92	Wilson Foods	Permit Denial	AQ	Preziosi	Negotiating before filing.
6-10-92	Marjorie Jarvis	Administrative Order	UT	Wornson	Hearing postponed. Settlement possible.
6-15-92	Country Estates MHP	Administrative Order	VS	Clark	Negotiating before filing.

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES April 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
6-24-92	Karl Ludwig; Jena, Inc.; Mole Oil Co.; TFM Co.	Administrative Order	UT	Wornson	Settlement proposed. Hearing 3/25/93. - join 180T.
6-26-92 10-05-92 1-12-93	Waste Systems Corp. and Robert Roth d/b/a Winnebago Co. SLF	Administrative Order Denial of Comp. Plan Amended Order	SW	Kennedy	Stay hearing 2/10/93.
7-01-92	Richard A. Neuman	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WM	Murphy	Firestone proceeding with site investigation
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-13-92	Ida County Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
8-13-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clark	Negotiating before filing.
8-24-92	Deun Moeness d/b/a Moeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
8-27-92	Decatur City, City of	Administrative Order	UT	Wornson	Compliance initiated-awaiting report.
8-31-92	Cedar Valley Corp.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-02-92	South High Point Well Assn. #1	Administrative Order	WS	Hansen	Hearing set for 5/20/93. 2/93 Dept. settlement offer to facility. 3/93 Facility counter offer to Dept.
9-03-92	Cese Power and Equipment	Administrative Order	WS	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Negotiating before filing.
9-21-92	ITUC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace NHP	Administrative Order	WM	Hansen	Negotiating before filing.
9-28-92	Don Ferkel	Administrative Order	AQ	Preziosi	Settlement close.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-07-92	E. Kent and Joan Cooper	Administrative Order	UT	Wornson	Motion to join Party has intervened. Negotiating settlement.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Negotiating before filing.
10-16-92	Country Mobile Home Court	Administrative Order	WS	Hansen	3/93 Dept. letter to attorney re: settlement.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Confirming compliance. Making demand for penalty.

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES April 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-16-92	Ames, City of; Cy-Ride	Permit Denial	AQ	Preziosi	Negotiating before filing.
10-28-92	Albert Rohwer, Jr.	Administrative Order	SW	Kennedy	Negotiating before filing.
11-13-92	Tracy Below	Administrative Order	WM	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WM	Hansen	Letter requests revised site assessment plan by 3/93. 3/93 revised. Site assessment work plan to FOS.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/WM	Kennedy	Informal meeting 12/4/92.
12-04-92	Fausser Oil Co., Inc.	Administrative Order	UT	Wornson	Settlement awaiting signature.
12-14-92	Quantum	Permit Conditions	WM	Hansen	1/23/93 - info submitted for EPD review. 3/30/93 Dept. settlement offer made.
12-14-92	Gary Lalor	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-15-92	IBP, Inc. Geneseo, IL	SMA Denial	SW	Kennedy	Negotiating before filing.
12-28-93	Balbot Beverage Co., Inc.	Administrative Order	UT	Wornson	Letter regarding penalty sent.
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	MC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-26-93	John Deere Waterloo Works	Tax Certification	WM	Hansen	Settled.
1-28-93	Midway Oil Company (Indiana)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Lehigh Portland Cement	Permit Conditions	WM	Hansen	Negotiating before filing.
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	3/1/93 Case proposal to DNR to resolve appeal.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Negotiating before filing.
2-24-93	Salem Lutheran Church	WS Classification	WS	Clark	Negotiating before filing.
3-04-93	Diversified Industries	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/09/93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	New case.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	New case.
3/15/93	Pat Benjamin	Administrative Order	UT	Wornson	New case.
3/19/93	Holnam Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/29/93	Henning Wood, Inc.	Administrative Order	SW	Kennedy	New case.

E93Apr-27

Mr. Stokes noted that staff will ask the Commission to pull the rules covering Chapter 102--Financial Assurance and replace them with a new set of rules. He explained that the federal government has now adopted their landfill regulation rules and staff will prepare new rules to match the federal rules.

Discussion followed regarding asbestos removal regulations, and the status of the Robert Bryant and Don Ervin cases. Additional discussion centered on the condition of the Ervin property at this time including condition of the fire lanes, fencing, and size of the tire pile.

INFORMATIONAL ONLY

CLEAN AIR ACT IMPLEMENTATION STATUS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission requested an update on the status of implementation of the Federal Clean Air Act Amendments by both USEPA and the department. The attached briefing document provides that update. Staff will be available to provide additional information and respond to questions.

**STATUS OF IMPLEMENTATION
OF THE
CLEAN AIR ACT AMENDMENTS OF 1990**

The Clean Air Act Amendments of 1990 (CAAA) were signed into law November 15, 1990. The major goals of the CAAA are to bring urban air quality into line with the National Ambient Air Quality Standards (NAAQS); to reduce emissions of hazardous air pollutants by at least 75 percent; to cut annual emissions of sulfur dioxide, a primary contributor to acid rain, by 10 million tons; to phase out production of chlorofluorocarbons (CFCs) and other chemicals that deplete the stratospheric ozone layer; to reduce emissions from motor vehicles; and to facilitate air quality enforcement by implementing a federal operating permit program.

Attaining Air Quality Standards

In November 1991 EPA designated 98 areas with ozone pollution, 42 areas with carbon monoxide pollution, 71 areas with particulate matter of ten microns or smaller pollution, and 12 areas with lead pollution, as nonattainment areas: not meeting NAAQS. EPA is working with states to amend state implementation plans to achieve, and maintain, the NAAQS.

At this time there are no areas in Iowa designated nonattainment.

Reducing Hazardous Air Pollution

EPA has been delayed in most efforts to get its hazardous air pollutant program implemented. In July 1992 EPA published a list of 174 industrial categories subject to the Maximum Achievable Control Technology (MACT) standards. This was eight months late. The ten-year schedule for development of MACT standards was proposed in September 1992 and is expected to be finalized a year later. The CAAA deadline was November 1992.

The CAAA required that EPA promulgate standards for 40 source categories by November 15, 1992. On December 31, 1992, EPA proposed the Hazardous Organic NESHAP (National Emission Standard for Hazardous Air Pollutants) which will satisfy the 40 category requirement. Final promulgation is expected a year later which will be 13 months late.

To obtain delegation of the federal Title V air operating permit program, states must be able to be delegated the hazardous air pollutant program under 112(L) of the CAAA. This includes placing case-by-case determined MACT limits on significant modifications at major hazardous air pollutant sources during construction permit reviews and through issuance of modified operating permits to facilities in the event that EPA has failed to meet the CAAA regulatory development schedule for an MACT standard. EPA has not even proposed the regulations that states must follow to satisfy this requirement even though states must apply for the Title V operating permit program by November 15, 1993.

Combatting Acid Rain

Reductions in sulfur dioxide and nitrogen oxides from electric utility boilers in the United States will be used to reduce acid rain problems in the northeastern United States and Canada. The reductions are specified in two phases. There are six Iowa facilities in the Phase I group. This group will be required to reduce sulfur dioxide emissions to an interim level by 1995. This group was required to submit permit applications to EPA by February 1993. EPA will issue the Phase I permits because states will not have been delegated the Title V operating permit program by that time.

The rules setting forth the requirements of the acid rain program should have been promulgated in May 1992. They were promulgated on January 11, 1993.

To obtain delegation of the Title V permit program, states will be required to include acid rain requirements in their rules. Yet, the guidance on what EPA wants in state's rules has not been finalized. The deadline for application for the program is November 15, 1993.

Phase II permits will be issued by states after delegation of the Title V operating permit program. Facilities in the phase II group will be required to make reductions by the year 2000.

Protecting the Stratospheric Ozone Layer

A phase-out of production and sale of CFCs and several other chemicals is aimed at protecting the stratospheric ozone layer. Phase-out rules were promulgated in July 1992. The deadline for these

rules was September 1991. EPA is behind on several other sets of CFC regulations including ban on nonessential products, CFC labeling, emission reductions, and procurement.

Introducing Cleaner Motor Vehicles and Fuels

Reformulated gasoline will be required to be used in ozone nonattainment areas, and oxygenated fuels will be required to be used in carbon monoxide nonattainment areas. EPA is expecting to finalize the reformulated gasoline regulations in September 1993 which will be 22 months late.

More stringent tailpipe emissions standards will be phased in on new vehicles between 1994 and 1998. Rules incorporating these standards were finalized in June 1991.

Implementing the Title V Operating Permit Program

States are required to apply for the Title V operating permit program by November 15, 1993. Delays by EPA and the Office of Management and Budget in promulgating regulations relating to this program have inhibited states' development of their programs. The permit regulations were finalized in July 1992 which was 8 months late.

The Department is currently conducting an emissions inventory of facilities to determine what facilities will be regulated by the Title V program and to estimate total regulated air emissions. This information will be used to project staffing requirements as part of demonstration of an adequate Title V program.

The Department has a bill in the legislature which will add additional statutory authority needed to obtain delegation of the Title V program.

Development of operating permit rules has started. The Department has been meeting with a group of representatives from Iowa business and industry on a monthly basis. This group has provide advice and consultation on various aspects of program planning to date.

Mr. Stokes expanded on each of the above listed areas of the Clean Air Act.

Discussion followed regarding air toxics permits, emissions inventory, and the temporary air toxics fee.

Margaret Prah! asked when the operating permit rules will come before the Commission.

Mr. Stokes replied that the Notice of Intended Action for operating permits will be brought to the Commission in June or July.

INFORMATIONAL ONLY

**PROPOSED RULE--CHAPTER 22, AIR CONSTRUCTION PERMIT EXEMPTIONS
AMENDMENT**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a draft of rules which propose to amend existing air quality construction permit exemption rules. Two exemptions are amended and nine new exemptions are added.

The Commission will be asked to approve a notice of intended action at their May 1993 meeting.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The Commission proposes to amend two exemptions and to add nine new exemptions to the requirement to obtain an air quality construction permit. The exemption in paragraph 22.1(2)"a" is lowered to ten million BTU per hour input to be consistent with the federal New Source Performance Standard for small industrial-commercial-institutional steam generating units (23.1(2)"III"). The exemption in paragraph 22.1(2)"b" is expanded to include burning untreated wood. A new exemption is proposed for a single back-up diesel engine generator at a public utility with certain limitations intended to minimize the ambient air impact of the source.

Eight other exemptions are proposed for sources of insignificant air emissions. The Department of Natural Resources has not required construction permits for these sources, and this proposed rule clarifies that a permit is not required for such sources.

These amendments may impact small businesses.

The Department will conduct a public hearing to receive comments on these proposed amendments. It will be held June 14, 1993, at 10:00 a.m. in the Fifth Floor Conference Room, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa.

Persons wishing to make written suggestions or comments concerning these proposed amendments should submit them to Christine Spackman, Air Quality Bureau, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, FAX (515)281-8895, on or before June 14, 1993.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Amend subrule 567--22.1(2) as follows:

22.1(2) Exemptions. The provisions of this rule shall not apply to the following listed equipment or control equipment unless review of the equipment or control equipment is necessary to comply with rule 22.4 (455B) or 22.5 (455B), in which case a permit must be obtained.

- a. Fuel-burning equipment for indirect heating and reheating furnaces using natural or liquefied petroleum gas with a capacity of less than ~~fifty~~ ten million BTU per hour input.
- b. Fuel-burning equipment for indirect heating with a capacity less than one million BTU per hour input when burning coal, untreated wood or fuel oil.
- c. Mobile internal combustion and jet engines, marine installations and locomotives.
- d. Equipment used for cultivating land, harvesting crops, or raising livestock other than anaerobic lagoons. This exemption is not applicable if the equipment is used to remove substances from grain which were applied to the grain by another person. This exemption is also not applicable to equipment used by a person to manufacture commercial feed, as defined in Iowa Code section 198.3, which is normally not fed to livestock, owned by that person or another person, in a feedlot, as defined in section 172d.1, subsection 6, or a confinement building owned or operated by that person and located in this state.
- e. Incinerators with a rated refuse burning capacity of less than twenty-five (25) pounds per hour.
- f. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment.
- g. Equipment or control equipment which eliminates all emission to the atmosphere.
- h. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless such equipment or control equipment also emits particulate matter, or any other air contaminant.
- i. Alterations to equipment which have been determined by the department to effect no change in the emissions from the equipment.
- j. Back-up diesel engine generator at a public utility which operates on #1 diesel fuel or #2 diesel fuel or natural gas, and operates 200 or less hours per year, and has a vertical stack discharge with a stack height of at least 20 feet above the highest roof height of any building within 500 feet of the stack.
- k. Residential wood heaters, cookstoves or fireplaces.
- l. Asbestos demolition and renovation projects subject to 40 CFR 61.145.
- m. Laboratory equipment used exclusively for chemical and physical analyses.
- n. Recreational fireplaces.
- o. Non-commercial barbeque pits and cookers.
- p. Gasoline, diesel fuel or fuel oil storage tanks with a capacity of 1000 gallons or less and an annual throughput less than 40,000 gallons.
- q. Stacks or vents to prevent escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste are not exempt.
- r. Retail gasoline and diesel fuel handling facilities.

Mr. Stokes explained that the purpose of this rule is to match the state's rules to some federal rule changes addressing New Source Performance Standards.

Discussion followed regarding what constitutes a barbeque pit, which types of pits are commercial, and if burning charcoal in these types of cookers or pits requires a permit.

Mr. Stokes will report next month clarifying when permits are needed.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 136, UST FINANCIAL RESPONSIBILITY AMENDMENTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached are draft rules to amend Chapter 136, "Financial Responsibility for Underground Storage Tanks." The proposed amendments add four new mechanisms for local governments, including separately chartered and operated special districts (i.e. public transit systems, redevelopment authorities) and school districts, to show financial responsibility for corrective action and third party liability for releases from their petroleum underground storage tanks.

The amendments adopt changes made in the federal underground storage tank regulations. Iowa Code section 455.474, subsection 7, requires the department's rules to be consistent and not to exceed the requirements of the federal regulations.

(A copy of the proposed rule is on file in the department's Records Center)

Mr. Stokes gave a detailed explanation of the proposed rules.

Margaret Prah! asked how the rules interrelate to the municipal code and financing of the municipal government. She related that she is not certain whether a municipality would be able, under the regulations that govern it, to meet the local government financial test or local government guarantee.

Mr. Stokes stated that he assumed that since these rules are federal rules being adopted on a national basis that local governments could comply with them. He added that staff will review whether there are any problems in this area before bringing it back as a Notice of Intended Action.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTERS 34, 37, 38, 50, AND 54, WATER WELL RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission is requested to approve the attached Notice of Intended action for corrective rules needed to conform existing rules with the the recently adopted Well Contractor Certification program.

At the March Commission meeting, the Commission approved rules for a Well Contractor Certification program. This program will replace the Well Contractor Registration program presently in place. Since several chapters of the department's rules refer to well contractor registration instead of certification these chapters need to be changed. Also Chapter 567 - 37(IAC) needs to be deleted since it is specifically for the registration program. The changes to the rules are proposed to be effective on July 1, 1993 to coincide with the date that person are to be certified as well contractors.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed Without Notice**

Pursuant to the authority of Iowa Code section 455B.105, the Environmental Protection Commission hereby rescinds Chapter 37, "Registration of Water Well Contractors", and amends Chapter 38, "Private Water Well Construction Permits", Chapter 34, "Requirements for Properly Plugging Abandoned Wells", Chapter 50, "Scope of Division-Definitions-Forms-Rules of Practice", Chapter 54, "Criteria and Conditions for Permit Restrictions or Compensation by Permitted Users to Nonregulated Users Due to Well Interference".

These amendments and this rescission are necessary to complete rule-making necessary to implement Iowa Code sections 455B.187 and 455B.190A, whereby the Department is required to replace the current well contractor registration program with a new well contractor certification program on July 1, 1993. The certification program (567--Chapter 82) was promulgated in advance, as ARC 3623A, to facilitate contractor compliance by July 1, 1993. This rule-making proceeding is necessary to complete the program replacement.

Pursuant to Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary because these changes are required to implement Iowa Code sections 455B.187 and 455B.190A.

These rules are intended to implement Iowa Code sections 455B.171, 455B.187, and 455B.190A.

These rules shall become effective July 1, 1993.

The following amendments are adopted.

ITEM 1. Rescind Chapter 37.

ITEM 2. Amend rule 567--38.1(455B), definition of "water well", as follows:

"Water well" means an excavation that is drilled, cored, bored, augured, washed, driven, dug, jetted, or otherwise constructed for accessing groundwater the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer. Water well does not include an open ditch or drain tiles or an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried.

ITEM 3. Amend subrule 38.8(3) as follows:

38.8(3) Construction by registered certified well driller contractor. Each well construction permit shall require that each well shall be constructed by a registered certified well driller contractor in compliance with 567--Chapters 37 82 and 49. However, temporary dewatering wells at construction sites shall be exempt from the construction standards of Chapter 49.

ITEM 4. Amend rule 567--39.3(455B), definition of "Registered water well contractor", as follows:

"Registered Certified water well contractor" means a water well contractor registered with certified by the department in accordance with 567--Chapter 37 82.

ITEM 5. Amend subrule 39.6(2) as follows:

39.6(2) Record. It is the responsibility of the owner to certify, on DNR Form 542-1226 "Abandoned Water Well Plugging Record," that an abandoned well has been plugged in accordance with the requirements and time schedule contained in this chapter. This report must include confirmation of the well plugging by the designated agent for the county or a registered water certified well contractor. Within 30 calendar days of the date the plugging was completed, the owner shall submit to the department a copy of DNR Form 542-1226.

ITEM 6. Amend rule 567--50.2(455B), definition of "Registered well driller", as follows:

"Registered Certified well driller contractor" means a well driller who is registered for well drilling and associated work pursuant to 1985 Iowa Code Supplement section 455B.187. Until such time as rules are promulgated for registering well drillers, any reputable well driller will be treated as a "registered well driller" well contractor certified by the department pursuant to 567--Chapter 82.

ITEM 7. Amend subrule 54.5(3) as follows:

54.5(3) Well inspection. It is the responsibility of the complainant to have the affected well inspected by a registered certified well driller contractor, to have the driller contractor complete Form 122: Water Well Inspection Report, and to submit the report to the department. Costs for a well inspection are eligible for compensation if well interference is subsequently verified.

ITEM 8. Amend subrule 54.6(1), first unnumbered paragraph, as follows:

54.6(1) Test pumping. Test pumping of the complainant's and permittee's wells may be required for verification of well interference. A permittee may perform test pumping to verify well interference even if it is not required by the department. Test pumping shall be authorized by the department and supervised by a registered certified well driller contractor, registered professional

engineer or other designee of the department. The test pumping shall be performed within~~thirty~~ (30) 30 days of notification by the department to the permittee and complainant that test pumping is to be conducted. The permittee and complainant shall each be responsible for all costs associated with test pumping their own well, although the complainant's costs may be eligible for compensation.

Date

Larry J. Wilson, Director

Mr. Stokes explained that these rules change the reference from "registered well driller" to "certified well driller" in other sections of rules.

Motion was made by Margaret Prahl to approve Notice of Intended Action--Chapters 34, 37, 38 50 and 54, Well Rule Amendments. Seconded by Nancylee Siebenmann

Gary Priebe asked what the difference is between certified and registered.

Mr. Stokes stated that to be a certified well driller a person must take and pass a test and show continuing education units in the future. A registered well driller only has to pay \$25 and fill out a form.

Vote on Commissioner Prahl's motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTERS 40, 41, 42, AND 43, WATER SUPPLY RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests approval of the attached Notice of Intended Action to hold a public hearing on the proposed rules for the water supply program.

The proposed rules are consistent with adopted federal rules. The proposed rules incorporate U.S. EPA "Phase V" regulations for inorganic chemicals, volatile organic chemicals, and synthetic organic chemicals.

The rules amend current rules for inorganic and organic chemicals

- ◆ revising or setting new standards for maximum contaminant levels
- ◆ monitoring requirements
- ◆ analytical procedures.

They set or revise MCLs for 5 inorganic and 18 organic chemical contaminants. Monitoring requirements will be phased in over three years.

If adopted, these rules will increase the number of drinking water contaminants regulated by the Department to 84.

Also, the department is requesting approval of the Notice of Intended Action to make technical corrections to the "Phase II" and "Lead and Copper" rules (approved October, 1992). The corrections have been identified by EPA and are needed for EPA to delegate the responsibility for the implementation of the rules to the department.

(A copy of the Notice of Intended Action is on file in the department's Records Center)

Mr. Stokes stated that these rules are required to keep the state in sync with what the federal government has adopted under the Safe Drinking Water Act. He expanded on details of the rules. He distributed the following chart showing estimated costs to a typical community as a result of these rules.

MONITORING COST RANGES FOR PHASE II & PHASE V ANALYSES

Monitoring Costs For Phase II & V Analytes ¹	Phase II Alone Monitoring	Phase V Alone Monitoring	Phase II & V Combined Monitoring
Inorganic Series	\$ 100 - 150	\$ 100	\$ 150 - 250
Unregulated SOC's	\$ 500 - 700	\$ 0	\$ 500 - 700
Unregulated VOC's	\$ 100 - 150	\$ 0	\$ 100 - 150
Asbestos	N/A	N/A	\$ 300
Dioxin	N/A	N/A	\$ 500
Regulated SOC's	\$ 700 - 800	\$ 300 - 1500	\$ 1500 - 1600
Regulated VOC's	\$ 100 - 150	\$ 50 - 100	\$ 100 - 150
Totals For 1 Sample	\$ 1500 - 1950	\$ 1450 - 1700	\$ 2850 - 3350

¹ Cost Data provided by University Hygienic Laboratory. Range estimates reflect variation in private laboratory analytical costs.

WATER SUPPLY COSTS FOR INITIAL THREE YEAR MONITORING PERIOD

The initial monitoring requirement for inorganic chemicals is one sample every three years for each source / entry point (S/EP). The monitoring requirement for unregulated SOC's, VOC's, and asbestos is a one time sampling of each S/EP. The typical water supply would have two source / entry points (S/EP's).

Inorganic, Unregulated SOC / VOC & Asbestos	Phase II Alone Monitoring	Phase V Alone Monitoring	Phase II & V Combined Monitoring
Inorganic Series	\$ 100 - 150	\$ 100	\$ 150 - 250
Unregulated SOC's	\$ 500 - 700	\$ 0	\$ 500 - 700
Unregulated VOC's	\$ 100 - 150	\$ 0	\$ 100 - 150
Asbestos	\$ 300	N/A	\$ 300
Totals For 1 Sample	\$ 1000 - 1300	\$ 100	\$ 1050 - 1400
(X) 1 Sample	\$ 1000 - 1300	\$ 100	\$ 1050 - 1400
(X) 2 S/EP's	\$ 2,000 - 2,600	\$ 200	\$ 2,100 - 2,800

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The initial monitoring requirement for regulated SOC's, VOC's and dioxin is four quarterly samples at each source / entry point (S/EP) every three years. The typical water supply would have two source / entry points (S/EP's).

Regulated SOC / VOC & Dioxin	Phase II Alone Monitoring	Phase V Alone Monitoring	Phase II & V Combined Monitoring
Dioxin	\$ 500	N/A	\$ 500
Regulated SOC's	\$ 700 - 800	\$ 1300 - 1500	\$ 1500 - 1600
Regulated VOC's	\$ 100 - 150	\$ 50 - 100	\$ 100 - 150
Totals For 1 Sample	\$ 1300 - 1450	\$ 1350 - 1600	\$ 2100 - 2250
(X) 4 Samples	\$5200 - 5800	\$ 5400 - 6400	\$ 8400 - 9000
(X) 2 S/EP's	\$ 10,400 - 11,600	\$ 10,800 - 12,800	\$ 16,800 - 18,000

SUMMARY OF WATER SUPPLY COSTS FOR PHASE II & PHASE V MONITORING

Typical Water Supply Monitoring Cost For Phase II & Phase V	Phase II Alone Monitoring	Phase V Alone Monitoring	Phase II & V Combined Monitoring
Inorganic, Unregulated SOC / VOC & Asbestos	\$ 2,000 - 2,600	\$ 200	\$ 2,100 - 2,800
Regulated SOC / VOC & Dioxin	\$ 10,400 - 11,600	\$ 10,800 - 12,800	\$ 16,800 - 18,000
Total Cost	\$ 12,400 - 14,200	\$ 11,000 - 13,000	\$ 18,900 - 20,800

The basic Phase II and Phase V monitoring program, as envisioned by the USEPA, would not provide for waiver or reduction of any monitoring requirements based on vulnerability assessments or absence of potential contaminants. It also does not envision combined monitoring for Phase II and Phase V, which would realize some cost savings. These options for tailoring the program are allowed by federal regulation, and may be employed by a state implementing agency. USEPA has stated that they would implement only this basic program, without the cost savings components, if they were to implement this program in a state.

BASIC FEDERAL PHASE II & PHASE V MONITORING PROGRAM

Basic Program / Federal Program	Cost Ranges
Phase II Alone Monitoring	\$ 12,400 - 14,200
Plus	+
Phase V Alone Monitoring	\$ 11,000 - 13,000
Total Cost To Typical Water Supply	\$ 23,400 - 27,200

There are 1,100 community and non-transient, non-community public water supplies in Iowa. Based on implementation of the basic federal program, the total cost to Iowa public water supplies for the initial three year period would be in the range of \$25,740,000 to \$29,920,000.

Iowa DNR intends to implement Phase II and Phase V monitoring requirements exercising the options afforded under federal regulations, but not envisioned in the federal basic program. DNR intends to combine Phase II and Phase V monitoring efforts. The DNR, expects to waive the monitoring requirements for asbestos and dioxin for the vast majority, if not all, water supplies based on vulnerability assessments. Very few if any of Iowa's water supplies would have the potential for impact from these contaminants. In addition, DNR could reduce the monitoring frequency for regulated SOC's and VOC's, based on vulnerability assessments, from four quarterly samples to one sample for small water supplies (serving less than 3,000 population).

PROPOSED STATE PHASE II & PHASE V MONITORING PROGRAM WITH OPTIONS

	Larger PWS		Small PWS / Not Vulnerable
Inorganic, Unregulated SOC / VOC & Asbestos	\$ 1,000 - 1,300		Inorganic, Unregulated SOC / VOC & Asbestos
Less Asbestos	(-) \$ 300		Less Asbestos
	\$ 700 - 1,000		
X 1 Sample	\$700 - 1,000		X 1 Sample
X 2 S/EP's	\$ 1,400 - 2,000		X 2 S/EP's
Regulated SOC / VOC & Dioxin	\$ 2100 - 2250		Regulated SOC / VOC & Dioxin
Less Dioxin	(-) \$ 500		Less Dioxin
	\$ 1,600 - 1,750		
X 4 Samples	\$ 6,400 - 7,000		X 1 Sample
X 2 S/EP's	\$12,800 - 14,000		X 2 S/EP's
Inorganic, Unregulated SOC / VOC & Asbestos	\$ 1,400 - 2,000		
Plus	+		+
Regulated SOC / VOC & Dioxin	\$12,800 - 14,000		
Total Cost To Typical Water Supply	\$14,200 - 16,000		

There are 500 water supplies that would fall in the larger supply category, and 600 water supplies that would fall in the small supply category. It is anticipated that the vast majority of these smaller supplies would be found "not vulnerable" to potential contamination and thus could qualify for the reduced monitoring cost. Based on implementation of the proposed state program employing options for reductions and waivers of certain monitoring requirements, the total cost to Iowa public water supplies for the initial three year period would be in the range of \$9,920,000 to \$11,420,000.

COMPARISON OF TOTAL STATEWIDE COSTS FOR PHASE II & PHASE V MONITORING BASIC FEDERAL PROGRAM TO STATE PROGRAM WITH OPTIONS

	Range Of Costs
Basic / Federal Program	\$ 25,740,000 - 29,920,000
State Program With Options	\$ 9,920,000 - 11,420,000
Cost Savings With State Program	\$ 15,820,000 - 18,500,000

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A lengthy discussion followed regarding the possibility of waiving or reducing monitoring requirements for some communities; total statewide costs for implementation; why population would be a factor in frequency of monitoring to be done; costs to a small water supply such as a trailer court; and alternative water supplies for a small facility.

Margaret Prahl asked if the intentional goal of the rules is to force small water systems to consolidate with others.

Mr. Stokes stated that it is more of an action to assure people a safe water supply.

Motion was made by Margaret Prahl to approve Notice of Intended Action--Chapters 40, 41, 42 and 43, Water Supply Rules. Seconded by Charlotte Mohr.

Further discussion took place regarding enforcement of the rules, development of rules regarding viability of small drinking water supplies, and transient/non-transient water supplies.

The fact that only one public hearing is being held and making public water supplies aware of the rules was discussed at length. While various concerns were expressed, consensus was reached for staff to send notice of the public hearing to regulated water supplies.

Vote on Commissioner Prahl's motion carried unanimously.

Chairperson Hartsuck commented that it is unthinkable that the Commission would allow the state to lose primacy in administering this program or any other environmental programs. He stressed that it is more economical when jurisdiction is retained in Iowa and DNR is much more responsive to the needs and problems of the people who have to comply with EPA regulations.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 1, SALES OF GOODS AND SERVICES

Larry Wilson, Director, presented the following item.

Attached is a proposed Notice of Intended Action on the above subject. Paragraph 1.11(6)"b" is designed to specifically address sales information provided by each Commissioner. The Commission is requested to approve the proposed Notice of Intended Action.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 17A.3(1) and 68B.4, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 1, "Operation of Environmental Protection Commission," Iowa Administrative Code.

Rule 1.11(68B) is proposed to comply with Iowa Code section 68B.4, which requires each regulatory agency to adopt rules specifying the method by which officials may obtain agency consent for the sale of goods and services.

Any interested person may make written suggestions or comments on the proposed rule on or before June 1, 1993. Such written materials should be directed to the Director, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, FAX (515) 281-8895. Persons who wish to convey their views orally should contact the Director's Office at (515) 281-5384.

There will be a public hearing on June 1, 1993, at 9 a.m. in the Fifth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

This rule is intended to implement Iowa Code section 68B.4.

The following rule is proposed.

Amend 567--Chapter 1 by adding the following new rule:

567--1.11(68B) Sales of goods and services.

1.11(1) Prohibition. An official shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations subject to the regulatory authority of the department unless the department consents as provided in this rule.

1.11(2) Definitions.

"Association" means any profit or nonprofit entity that is not a "corporation" or an "individual" as defined in this rule, but does not include any "unit of government" as defined in this rule.

"Commission" means the environmental protection commission.

"Corporation" means "corporation" and "foreign corporation" as defined in Iowa Code sections 490.140 and 504A.2, but does not include any "unit of government" as defined in this rule.

"Department" means the department of natural resources.

"Goods" means personal property, tangible and intangible.

"Individual" means a human being and includes any individual doing business as a sole proprietorship.

"Official" means a member of the environmental protection commission.

"Sale" or "sell" means the process in which goods or services are provided in exchange for money or other valuable consideration. The term does not include purchases of goods or services, nor outside employment activities that constitute an employer-employee relationship.

"Services" means action, conduct or performance which furthers some end or purpose or which assists or benefits someone or something.

"Unit of government" means "United States," "state" and "governmental subdivision" as defined in Iowa Code section 490.140.

1.11(3) Application for consent. An application for consent must be signed by the official requesting consent and submitted as specified in subrule 1.11(4). The application must provide a clear statement of all relevant facts concerning the sale, specify the amount of compensation and how compensation is to be determined, and indicate the time period or number of transactions for which consent is requested. The application must also explain why the sale would not create a conflict of interest or provide financial gain by virtue of the applicant's position within the department.

1.11(4) Consent procedure. Applications for consent must be submitted to the director who will schedule the matter as an informational item at a meeting of the commission. When the informational item is considered, the applicant may explain the application and entertain questions. The director shall schedule the matter to be decided at the second meeting following its consideration as an informational item, at which time the commission shall consider written comments which have been filed with the director and entertain any oral comments. The commission shall approve or deny the application by voting in the same manner as it determines other matters, except that the applicant shall not vote.

1.11(5) General conditions of consent. Consent shall not be given to an official unless all of the following conditions are met:

a. This condition is satisfied if either of the following paragraphs is met:

(1) The duties or functions performed by the official are not related to the regulatory authority of the department over the individual, association or corporation; or

(2) The duties or functions performed by the official are not affected by the selling of goods or services to the individual, association or corporation.

b. The selling of the goods or services by the official does not include acting as an advocate to the department on behalf of the individual, association or corporation receiving the goods or services.

c. The selling of goods or services does not result in the official selling a good or service to the department on behalf of the individual, association or corporation.

1.11(6) Class prohibitions and consent.

a. The commission concludes that the sales of goods and services described in this paragraph, as a class, constitute the sale of a good or service which affects an official's functions. The department will not consent to sales which fall within the following categories unless there are unique facts surrounding a particular sale which clearly satisfy the conditions listed in subrule 1.11(5).

Sales which are prohibited by rule:

- (1) Sales of department information or the sale of services necessary to gather department information, including but not limited to solicitation lists.
- (2) Services utilized in the preparation of applications, reports, or other documents which may be approved or reviewed by the commission.

b. The commission concludes that sales of goods or services described in this paragraph do not, as a class, constitute the sale of a good or service which affects an official's functions. Application and department approval are not required for these sales unless there are unique facts surrounding a particular sale which would cause that sale to affect the official's duties or functions, would give the buyer an advantage in its dealings with the department, or otherwise present a conflict of interest.

Sales for which consent is granted by rule:

- (1) Nonrecurring sales of goods and services if the official is not engaged for profit in the business of selling those goods or services.
 - (2) Sale of farm products at market prices to a buyer ordinarily engaged in the business of purchasing farm products.
 - (3) Sales of goods to general public at an established retail or consignment shop.
 - (4) Sale of legal, mechanical, or other services at market or customary prices. However, if an official's client or customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3) and 1.11(4).
 - (5) Sale of goods at wholesale prices to a buyer ordinarily engaged in the business of purchasing wholesale goods for retail sale.
 - (6) Sale of creative works of art, including but not limited to sculpture and literary products, at market, auction, or negotiated prices. However, if an official's customer has a matter for decision, directly or indirectly involving that good, before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3) and 1.11(4).
 - (7) Sale of goods to general public at market or franchiser-established prices. However, if an official's customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3) and 1.11(4).
- 1.11(7) Effect of consent. The consent must be in writing. The consent is valid only for the activities and period described in it and only to the extent that material facts have been disclosed and the actual facts are consistent with those described in the application. Consent can be revoked at any time by written notice to the official.

1.11(8) Public information. The application and consent are public records, open for public examination, except to the extent that disclosure of details would constitute a clearly unwarranted invasion of personal privacy or trade secrets and the record is exempt from disclosure under Iowa law.

1.11(9) Effect of other laws. Neither this rule nor any consent provided under it constitutes consent for any activity which would constitute a conflict of interest at common law or which violates any applicable statute or rule. Despite department consent under these rules, a sale of goods or services to someone subject to the jurisdiction of the agency may violate the gift law, bribery and corruption laws, etc. It is the responsibility of the official to ensure compliance with all applicable laws and to avoid both impropriety and the appearance of impropriety.

Larry J. Wilson, Director

Date

Mr. Wilson stated that this is a topic that has been before the Commission for a considerable length of time. He related that a similar rule is before the Natural Resource Commission and that one public hearing is scheduled for the rule.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 1, Sales of Goods and Services. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

STATE FOREST NURSERY TOUR

Director Wilson introduced Jerry Grebasch, State Forest Nursery Manager.

Mr. Grebasch reviewed the history of the State Forest Nursery and how he utilizes inmates from the state's minimum security system at the nursery. He noted that during the CRP program the nursery distributed five million dollars worth of seedlings per year. Now they distribute between four-and-one-half million to five million dollars worth each year. He also covered the nursery's

budget and that they are now contracting with a private nursery to produce several species. Mr. Grebasch discussed the conflict of private nurseries competing with the State Forest Nursery. He noted that the state is not in the nursery business for the money but they are in it only for the resource.

At this point, Mr. Grebasch lead the Commission on a tour of the nursery.

REFERRALS TO THE ATTORNEY GENERAL

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Henry County Landfill Commission - Solid Waste (Tabled)
- b. Dave Pittman d/b/a Pittman Construction (Des Moines) - Penalty
- c. Curnes Homes, Ltd. (Carlisle) - Penalty

Henry County Landfill Commission

Mr. Murphy noted that this case was previously table and will need to be removed from the table.

Motion was made by Nancylee Siebenmann to remove the Henry County Landfill Commission referral from the table. Seconded by Clark Yeager. Motion carried unanimously.

Mr. Murphy stated that the department will withdraw the request for referral as staff has met with this party over the last several months and they have agreed to resolve it with an administrative consent order.

REFERRAL WITHDRAWN

Dave Pittman d/b/a Pittman Construction

Mr. Murphy reviewed the history of this case involving open burning violations.

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Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

REFERRED

Curnes Homes, Ltd.

Mr. Murphy reviewed the history of this case involving open burning violations.

Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

REFERRED

LEGISLATION UPDATE

Director Wilson stated that the department's budget passed the Senate last week. He related that it is now in the House and there will be a conference committee on it because of the two versions.

Mr. Wilson further reported on the following:

LUST, extends tank upgrade dates - probably will pass this year
10-Year Moratorium on Treatment Plants - dead
Infectious Waste Moratorium - probably will be extended
Environmental Protection Fund - In Senate and has been attached to language involving air regulations

Discussion followed regarding the Environmental Protection Fund and also EPA program grants.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Director Wilson stated that in response to Commissioner Prah's earlier question about expenditure category 602 in the budget report, it is an indirect cost charge by general service agencies to assess each department for their services.

The following issues were also discussed:

- Radon study results

- Wisconsin's water contamination problems and whether Iowa could have similar problems
- Commission correspondence from Myrna Peterson, a neighbor of Ed Cain
- Commission correspondence from Craig Duffy on SWAs
- Council Bluffs composting facility and possibility of horrendous smell from facility
- Commission correspondence from Mrs. Ralph Newman

Mr. Stokes noted that he will check on the Council Bluffs composting facility and report on it next month.

Margaret Pahl sought ideas on how to respond to the letter supporting Ed Cain.

Director Wilson reviewed the history of the Ed Cain case and noted that, in January, the Commission was sent a copy of Jack Riessen's analysis following a recent staff investigation of the area. He added that it was not conclusive that the change required by the department was causing any problems there.

Mr. Stokes noted that the people were also told they could solve the erosion problem with placing some rip-rap at strategic points.

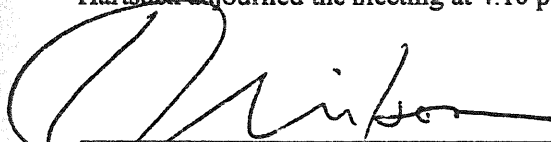
NEXT MEETING DATES

May 17, 1993

June 21-22, 1993 - Carroll vicinity. (A session on the Landfill Alternatives Grant Program will be held in conjunction with this meeting, the day after the regular meeting)

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 4:10 p.m., Monday, April 19, 1993.



Larry J. Wilson, Director

Richard Hartsuck, Chairperson

Nancy Lee Siebenmann, Secretary

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File Name *ADM-1-17* *5 April 1993*
Directors Initials *JS*

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
STATE FOREST NURSERY
2404 SOUTH DUFF AVE.
AMES, IOWA
April 19-20, 1993

Meeting convenes at 10:00 a.m., Monday, April 19, 1993, in the State Forest Nursery conference room. Tuesday, April 20, the Commission will meet at 8:00 a.m. at the State Forest Nursery to tour the Ames Treatment Plant and the Riser Farm.

Public Participation

10:30 a.m.

1. Approve Agenda.
2. Approve Minutes of March 15, 1993.
3. Director's Report. (Wilson) Information.
4. Monthly Financial Status Report. (Wilson) Information.
5. Landfill Alternatives Grant Contract Approval. (Hay) Decision.
6. Monthly Reports. (Stokes) Information.
7. Clean Air Act Implementation Status. (Stokes) Information.
8. Proposed Rule--Chapter 22, Amendments-Air Construction Permit Exemptions. (Stokes) Information.
9. Proposed Rule--Chapter 136, Amendments-UST Financial Responsibility. (Stokes) Information.
10. Notice of Intended Action--Chapters 34, 37, 38, 50, and 54, Well Rule Amendments. (Stokes) Decision.
11. Notice of Intended Action--Chapters 40, 41, 42, and 43, Water Supply Rules. (Stokes) Decision.
12. Notice of Intended Action--Chapter 1, Sales of Goods and Services. (Wilson) Decision.
13. Referrals to the Attorney General. (Stokes) Decision.
 - a) Henry County Landfill (tabled)
 - b) Dave Pittman d/b/a Pittman Construction (Des Moines)
 - c) Curnes Homes, Ltd. (Carlisle)

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- 14. Legislation Update. (Wilson) Information.**
- 15. General Discussion**
- 16. Address Items for Next Meeting**

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May 17, 1993

June 21, 1993

July 19, 1993

ENVIRONMENTAL PROTECTION COMMISSION

Monday, April 19, 1993

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Scott Young

Nyemaster

Des Moines

Rick Kelley

UHL

"

Clark Yeager

DNR

Ottumwa

Richard Siegle

D.D. No. 4

Cahoonville

Curtis Olson

Seneca Dist #16

Burlington, Ia

Debrae Foggmiller

Lower Dist #16

Burlington Ia

WAYNE SHIPMAN

" " "

Ottumwa IA

Curtis Frank

Drainage Dist #17

Ottumwa IA

Crafton Meeker

" " "

Mediapolis Ia

Scott Power

DD#7 LD#16

Burlington IA

Mark Hillyard

DD#7

Burlington, Ia

Rex Martin

Ciba Corp

DSM IA

Jim Alveling

Cannon Co solid waste

Cannon

Perry Beeman

D.M. Register

Register